United Nations

A/62/773

General Assembly

Distr.: General
31 March 2008

Original: English

Sixty-second session
Agenda items 126, 128, 136 and 140

Review of the efficiency of the administrative and financial functioning of the United Nations

Programme budget for the biennium 2008-2009

Report on the activities of the Office of Internal Oversight Services

Administrative and budgetary aspects of the financing of United Nations peacekeeping operations

Report of the Fifth Committee

Rapporteur: Mr. Steven Ssenabulya **Nkayivu** (Uganda)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the items entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", "Programme budget for the biennium 2008-2009", "Report on the activities of the Office of Internal Oversight Services" and "Administrative and budgetary aspects of the financing of United Nations peacekeeping operations" and to allocate them to the Fifth Committee.

2. The Fifth Committee considered the items at its 30th and 36th meetings, on 10 and 28 March 2008. Statements and observations made in the course of the Committee's consideration of the items are reflected in the relevant summary records (A/C.5/62/SR.30 and 36).

3. For its consideration of the items, the Committee had before it the following documents:

08-28887 (E) 010408

(a) Report of the Secretary-General on strengthening investigations (A/62/582 and Corr.1);

(b) Report of the Advisory Committee on Administrative and Budgetary Questions (A/62/7/Add.35);

(c) Report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007 and the comments of the Secretary-General thereon (A/62/272 and Add.1).

II. Consideration of draft resolution A/C.5/62/L.29

4. At its 36th meeting, on 28 March, the Committee had before it a draft resolution entitled "Strengthening investigations" (A/C.5/62/L.29), submitted by the Chairman on the basis of informal consultations coordinated by the representative of Belgium.

5. At the same meeting, the Committee adopted draft resolution A/C.5/62/L.29 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Strengthening investigations

The General Assembly,

Recalling its resolutions 48/218 B of 29 July 1994, 54/244 of 23 December 1999, 57/282, section IV, of 20 December 2002, 59/272 of 23 December 2004, 59/287 of 13 April 2005, 61/245 of 22 December 2006, 61/275 and 61/279 of 29 June 2007, 61/267 B of 24 July 2007 and 62/234 of 22 December 2007,

Recalling also paragraph 10 of its resolution 59/287,

Having considered the report of the Secretary-General on strengthening investigations,[1] the report of the Office of Internal Oversight Services on the activities of the Procurement Task Force for the 18-month period ended 30 June 2007,[2] the note by the Secretary-General transmitting his comments thereon[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

1. *Takes note* of the report of the Office of Internal Oversight Services[2] and the related note by the Secretary-General;[3]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[4] subject to the provisions of the present resolution;

3. *Notes in particular* the concern of the Advisory Committee stated in paragraph 5 of its report;

4. *Stresses* that the lack of explicitly written rules and regulations for procedures relating to investigations negatively affects fairness and due process rights;

5. *Expresses concern* that the current investigations manual of the Office of Internal Oversight Services appears to lack useful and practical information for investigators compared with similar manuals used in other international organizations and that it also appears not to contain sufficient working instructions for conducting investigations;

6. *Notes with appreciation* the efforts being made by the Office of Internal Oversight Services to improve the conduct of its investigations by applying international best practices and ensuring respect for the due process rights of all United Nations staff;

[1] A/62/582 and Corr.1.
[2] A/62/272.
[3] A/62/272/Add.1.
[4] A/62/7/Add.35.

7. *Affirms* that transparent, predictable, accountable and objective operational strategies and investigation procedures contribute to the effective functioning of the system of administration of justice;

8. *Notes with concern* that concerns have been raised regarding due process rights in investigations, stresses that the due process rights afforded to staff in investigations carried out by the Office of Internal Oversight Services have to withstand review by the system of administration of justice, and reiterates its request to the Secretary-General to develop a comprehensive approach to fully undertake the Organization's responsibility in ensuring the due process rights of its staff under investigation;

9. *Re-emphasizes* the principle of separation, impartiality and fairness on the part of those with responsibility for investigation functions;

10. *Stresses* that the purpose of the Office of Internal Oversight Services is to assist the Secretary-General in fulfilling his internal oversight responsibilities;

11. *Reaffirms* that the Office of Internal Oversight Services is the internal body entrusted with investigation in the United Nations;

12. *Also reaffirms* that trained heads of offices, programme managers and boards of inquiry, as well as the Department of Safety and Security and the Ethics Office, may carry out administrative inquiries and investigations, except in cases of serious misconduct and/or criminal behaviour, in accordance with resolution 59/287;

13. *Takes note* of the development of a comprehensive training module designed to build the capacity of United Nations staff to support administrative inquiries or investigations, as well as of a special training programme for investigating allegations of sexual harassment, by the Office of Internal Oversight Services;

14. *Recalls* paragraphs 3, 8 and 10 of its resolution 59/287, and requests the Secretary-General to continue to increase basic Investigation training, as appropriate, for the handling of minor forms of misconduct;

15. *Reaffirms* its decision that in cases of serious misconduct and/or criminal behaviour, investigations should be conducted by professional investigators;

16. *Also reaffirms* that any changes that have administrative and financial implications be submitted by the Secretary-General and be subject to the review and approval of the General Assembly in accordance with established procedures;

17. *Requests* the Secretary-General to prepare, in close cooperation with the Office of Internal Oversight Services, for its consideration at its sixty-third session, a report providing detailed information regarding, inter alia:

(a) The status of implementation of its resolution 59/287;

(b) Updated and detailed information on all the entities other than the Office of Internal Oversight Services carrying out administrative inquiries and investigations, their legislative basis and precise role, the number and types of cases handled, related resources, reporting mechanisms, standards and guidelines involved and training imparted;

(c) The status of work done under general temporary assistance resources equivalent to six positions to establish a training capacity for the Investigations

Division to enable programme managers to handle category II cases of misconduct[5] and the assessment of such work and any other related work carried out for the same purpose, as well as the future workplan thereof;

18. *Also requests* the Secretary-General to prepare for its consideration and approval, in close cooperation with the Office of Internal Oversight Services, a report providing detailed information on terms of reference with regard to the proposed comprehensive review of investigations in the United Nations before the General Assembly decides on the necessity of such a review, taking into account the role and mandate of the Office of Internal Oversight Services as established in its resolution 48/218 B, the framework for investigation adopted in its resolutions 57/282, section IV, and 59/287, the reform of the system of administration of justice, the decisions of the Assembly to strengthen the investigation function of the Office of Internal Oversight Services and its decisions on the accountability framework, results-based management, enterprise risk management and the internal control framework;

19. *Further requests* the Secretary-General to report to the General Assembly on practices related to the sharing of information between the Organization and law enforcement authorities of Member States as well as to referrals to such authorities of possible criminal cases related to United Nations staff, United Nations officials and experts on mission, taking into account its resolution 62/63 of 6 December 2007 and other relevant legal instruments.

---

[5] See A/58/708, para. 27.